

to principals in the first degree or principals in the second degree or both., There is no need to specify whether or not they are principals in any degree, but the general language of the indictment includes them both. The distinction between degrees is important only when the punishment is different for the respective degrees, and that is not the case in this state.

Let us turn for a moment to accessories, and you will remember that I said a moment ago that there were two classes of accessories, those before the fact and those after the fact. An accessory before the fact is one who, though absent at the time of the commission of the murder, yet procures, counsels, commands, or abets another to commit such murder. To be an accessory, it is necessary that the party should have been absent at the time the felony was committed, for if he was either actually or constructively present, he is principal, as we have already seen.

An accessory after the fact is one who, when knowing the murder to have been committed by another, shelters, receives, relieves, comforts, or assists the committer of the crime, whether he be a principal or an accessory before the fact merely, but it is necessary that some active assistance should have been afforded to the party committing the crime by way of protecting him from the consequences thereof, and not merely suffering him to escape. And, moreover, in order to be liable as an accessory after the fact, it is necessary that the party charged should know that the other party is guilty of the felony.

These are the general rules that should guide you in your